

MINUTES  
HISTORIC PRESERVATION COMMISSION  
January 5, 2007

MEMBERS PRESENT: Duane Baumgartner, Mike Bender, Dennis Halterman, Adrienne Kerst, Jean Kessloff, Ken Loeschke, Norm Nelson, Pat Roseland, Dan Senftner and Scott Sogge

STAFF PRESENT: Marcia Elkins, Joel Landeen, Karen Bulman, Rod Proffitt and Risë Ficken

OTHERS PRESENT: Wanda Weinreich, Bryan Tharp, Michelle Dennis, Thomas and Bethann Baffuto, Carols Ramirez, Curt Huus, Bob Deacon, Holly Ringo, Mike Pelly, Bill Kessloff, Chris Nelson, Steve Rogers and Dan Daly

Call to Order

Roseland called the meeting to order at 7:30 a.m.

11.1 Review - 922 5<sup>th</sup> Street

Wanda Weinreich stated that the chimney on the Cathedral of Our Lady of Perpetual Help was added at some point after the original construction for the purpose of venting a water heater. Weinreich indicated that the water heater has been replaced and the chimney is no longer needed.

**Baumgartner moved and N. Nelson seconded to recommend a finding that the removal of the brick chimney on the property located at 922 5<sup>th</sup> Street will have no adverse affect on historic property.**

In response to a question from Kerst, Weinreich indicated that the original sandstone material is intact behind the brick chimney. Bryan Tharp stated that the chimney was attached to the structure with mortar.

**The motion unanimously carried to recommend a finding that the removal of the brick chimney on the property located at 922 5<sup>th</sup> Street will have no adverse affect on historic property.**

In response to a question from Weinreich, N. Nelson requested that care be taken so as not to damage the original structure during the removal of the chimney.

11.1 Review - 610 Quincy Street

Carlos Rameriz advised that the library is proposing to construct a partial wall and door to create new office space in the Rapid City Public Library building.

In response to a question from N. Nelson, Rameriz advised that the wall would be six feet in height and would not extend to the ceiling.

**N. Nelson moved, Sogge seconded and unanimously carried to recommend a finding that the construction of a partial wall with doorway and door on the property located at 610 Quincy Street will have no adverse affect on historic property.**

11.1 Review - 804 South Street

Holly Ringo advised that she is converting a two bedroom apartment into a commercial beauty salon. Ringo stated that she has submitted a building permit to install a shampoo bowl on the property. Karen Bulman clarified that the zoning of the property is correct to allow the proposed use noting that the business will be expanded into the second floor.

**Baumgartner moved, J. Kessloff seconded and unanimously carried to recommend a finding that the installation of a shampoo bowl on the property located at 804 South Street will have no adverse affect on historic property.**

11.1 Review - Kansas City Street Reconstruction

Curt Huus of EnVision Design advised that this phase of the project includes the reconstruction of Kansas City Street from Fifth Street to Eighth Street. Huus stated that improvements would include the removal of pavement and sidewalks, the installation of new sidewalks, planters, two bike lanes, planting nodes, storm sewer utilities and concrete pavement. Huus clarified that the bike lanes will not be located in the street and will be included in the sidewalk with planters and colored concrete separating the bike lane from the pedestrian sidewalk. Huus stated that other improvements include new benches, lighting, trash receptacles, and bike bollards. Huus added that period-style street lighting and fluted period-style parking meter poles will be used noting that the benches and trash receptacles will be bronze in color.

**Loeschke moved and Kerst seconded to recommend a finding that the Kansas City Street Reconstruction project located at Kansas City Street between Mount Rushmore Road and Fifth Street will have no adverse affect on historic property.**

In response to a question from Loeschke, Huus indicated that the entire project extends from Eighth Street to East Boulevard and this phase is specific to that portion extending from Eighth Street to Fifth Street. Huus identified the various areas to be included in additional phases. In response to a question, Huus stated that Heavy Constructors was awarded the bid for this phase of the project with an anticipated start date of mid-January.

In response to a question from N. Nelson, Huus discussed efforts to schedule the phasing of the street construction in an effort to reduce the impact of the construction on the area businesses and churches.

**The motion unanimously carried to recommend a finding that the Kansas City Street Reconstruction project located at Kansas City Street between Mount Rushmore Road and Fifth Street will have no adverse affect on historic property.**

11.1 Review - 632 Main Street

Bob Degen reviewed the proposed interior changes to the basement and second floor, including the relocation of partition walls noting that the new areas would be finished to match the existing interior finish. Degen stated that the drive-thru canopy and lanes and the sign in the parking lot will be removed. Degen added that brick matching the structure is still available and will be used to fill in the area where the canopy is removed.

**J. Kessloff moved, Senftner seconded and unanimously carried to recommend a finding that the removal of the drive thru overhang and brick sign, the framing for two new rooms in the basement, the remodel of building stairs, removal of walls and construction**

**of new walls, and application of new surfaces at different locations on the property located at 632 Main Street will have no adverse affect on historic property.**

#### 11.1 Review - 623 West Boulevard

Thomas Baffuto advised that he had recently purchased the 1935 Tudor home at 623 West Boulevard. Baffuto described plans to modify the kitchen, develop attic space into a master suite, convert the garage into an office-study and connect it to the existing home, level the floor, upgrade the electrical and update interior paint and wallpapering.

**N. Nelson moved and Loeschke seconded to recommend a finding that the remodel construction to enclose the garage and the construction of a new connection from the existing house on the property located at 632 West Boulevard will have no adverse affect on historic property.**

N. Nelson expressed concern that the proposed connection to the garage would create a visual impact on the profile of the house. Baffuto stated that the size of the connecting structure would be 8 foot long and 8 foot wide. Baffuto indicated that he would try to ensure that the shingles on the connector are similar to the existing shingles.

In response to a question from Roseland, Baffuto indicated that the siding on the connector would consist of wood and stucco and dryvet application. Baffuto indicated that the doorway would have a round top so that it would fit in the context of the Tudor style. In response to a question from Kerst, Baffuto indicated that he felt the use of stucco as opposed to brick on the connector is appropriate noting that he felt the use of a different style and color of brick would look odd.

Bender entered the meeting at this time.

In response to a question from Sogge, Baffuto discussed the condition of the existing foundation of the house noting that he does not know what footings are under the garage.

In response to a question from Loeschke concerning plans to develop the attic, Baffuto advised that there is an existing stairway to the attic, more than enough room for the bedroom, plumbing is already in place, and since there are existing vaulted ceilings in the attic, the roof will not have to be restructured.

N. Nelson requested clarification concerning whether the appearance of the garage door would be maintained. Baffuto indicated that he is proposing to remove the garage door, install windows for southern exposure and place a trellis in front of the windows and train rosebushes onto the trellis. N. Nelson suggested that the garage door appearance should be retained.

In response to a question from J. Kessloff, Baffuto stated that it would be difficult to find brick to match the existing structure noting that he feels the use of stucco on the connector will complement the existing structure. J. Kessloff advised that Hebron brick has been successful in matching older brick. Baffuto commented that new brick could come close but would not match the existing brick.

Sogge suggested that the brick removed to create the openings to connect the house and garage could be used on the connector. Discussion followed concerning the potential to reuse

the brick from the house and garage, the use of stone, brick and stucco on the original structure and the proposed use of stucco on the connector for design and economical reasons.

Kerst emphasized that Tudor homes rarely had stucco on the first level and suggested that the look of the garage door be retained. In response to a question from Kerst, Baffuto stated that he intends to use shingles that maintain the profile and look of the existing shingles.

Bender indicated that he feels the proposal is a good solution noting that it is beneficial to differentiate between the periods.

**The motion unanimously carried to recommend a finding that the remodel construction to enclose the garage and the construction of a new connection from the existing house on the property located at 632 West Boulevard will have no adverse affect on historic property.**

#### State Office of History

Bill Kessloff, Chris Nelson and Steve Rogers distributed copies of Chapter 2.68 of the Rapid City Municipal Code, the Joint Powers of Agreement between the City and State Office of History, South Dakota Codified Law 1-19A and 1-19B, and 36 Codified Federal Regulations Part 800. B. Kessloff requested that the Commission review the various documents and the definition of the environs as set forth in the Joint Powers of Agreement. B. Kessloff thanked Halterman for his excellent work in developing the memorandum distributed by email earlier in the week.

Chris Nelson noted that the various documents, along with all comments in conversations and emails, were forwarded to the State Attorney General's Office for legal review. C. Nelson added that they have not yet received the official position of the State Attorney General. In response to a question from Elkins, C. Nelson advised that Deputy Attorney General Roxanne Geidd is reviewing the information.

C. Nelson reviewed the State Office of History's position that the removal of the non-contributing structure at 1204 West Boulevard is not an adverse affect on the West Boulevard Historic District as a whole. C. Nelson discussed the evaluation methods used by the State Office of History for 11.1 Reviews statewide, methods used by the National Register of Historic Places to evaluate the significance of historic properties, and the impact of collective loss of architectural integrity on the ability to classify a property as contributing.

B. Kessloff requested that the record reflect the following portion of Official Opinion No. 89-41 given by the South Dakota Attorney General in 1989: "The ultimate determination remains in the hands of the city, assuming it finds that there is no feasible and prudent alternative to the proposal, and that the program includes all possible planning to minimize harm to the historic property." B. Kessloff emphasized that the Attorney General's conclusion states that all viable alternatives should be considered as properties located in the district are offered tax and other incentives.

Joel Landeen explained that SDCL Chapter 1-19A addresses the State Office of History's review of any historic district on the State or National Historic Register noting that local communities are not required to be involved in the review. Landeen indicated that SDCL Chapter 1-19B gives local communities the authority to adopt ordinances to be involved in the process. Landeen stated that through the Memorandum of Joint Powers agreement between

the State and the City, the City makes recommendations to the State Office of History and the State makes the final determination. Landeen stated that there is not an appeal process if the State Office of History makes a determination that there is no adverse affect. In response to a question from Kerst, Landeen clarified that while the City Council does not change the State's ruling, they could elect to proceed with a project in spite of the State's determination that there is an adverse affect. Steve Rogers stated that the State Office of History cannot stop a project as they are only providing comment to the local body. Kerst noted that the City Council receives advice from the Historic Preservation Commission as its members serve as expert advisors to the City Council. Landeen indicated that if the State does not find an adverse affect the City has no legal basis under Chapter 1-19A for not issuing a permit.

In response to a question from Kerst, Landeen indicated that the City Council could elect to adopt a local ordinance granting additional authority to the Commission. Landeen stated that the Historic Preservation Commission's existing authority is specifically stated in the adopted City ordinance.

Discussion followed regarding the option for the local governing body to adopt an ordinance establishing a local historic district and identifying the extent of the Commission's additional authority and the efforts to develop an ordinance for Rapid City.

Halterman reviewed the purposes of SDCL 1-19B, noting that the Historic Preservation Commission's mission is to protect historic structures. Halterman questioned how the Commission can best work with the City to accomplish these preservation goals. Landeen stated that ordinance amendments are required to exercise additional authority. Discussion followed on potential duplication of efforts and the procedure for adopting a local historic district.

Halterman requested clarification concerning whether the City Attorney's Office would support ordinance amendments related to historic preservation. Landeen indicated that he is clarifying existing law and that the City Council would make the final determination on any amendments to the ordinance.

Elkins noted that B. Kessloff, Kerst and others have begun work on a draft ordinance that could grant additional powers and noted the need for the Commission to build support in the community and with the City Council. Discussion followed on the process for adopting a local historic district ordinance, community support for preservation, the authority granted by the existing City ordinance, and the procedure to request that the City Attorney's Office draft a local ordinance.

Halterman related his conversation with Tim Rensch concerning the ownership history of the house located at 1204 West Boulevard, the subsequent request to demolish the property by the current owner and the impact of the proposed demolition on historic preservation in Rapid City.

B. Kessloff indicated that the property at 1204 West Boulevard was called the white house and distributed a 1914 photograph of the structure. B. Kessloff emphasized the importance of the role of the Commission in preserving the historical structure and not supporting the demolition of the building and the construction of a new building that does not flow with the neighborhood.

In response to a question from B. Kessloff, Landeen advised that the issuance of the permit defines the project. In response to a question from Elkins, C. Nelson advised that the State's

determination of no adverse impact on the property located at 1204 West Boulevard is not under review by the Attorney General at this time.

Halterman expressed concern that in requesting the demolition of the property located at 1204 West Boulevard, the applicants were not required to provide substantive evidence supporting their claims related to the condition of the property. Landeen reviewed excerpts from Halterman's memorandum, State statute and Federal law regarding non-contributing properties in historic districts.

In response to Elkins' request for clarification concerning the State's determination of non-adverse impact on the property located at 1204 West Boulevard, Halterman requested an opportunity to visit with the State Office of History staff concerning factors other than the structure's non-contributing status.

Bender requested clarification concerning whether entire historic districts or individual properties are considered "a property" under CFR 800.5. Rogers clarified that CFR 800.5 relates to federal agencies effecting historic properties. Rogers indicated that the State Office of History looks at the effects on a historic district as a whole as well as the effect on individual historic properties. Rogers noted that the question on 1204 West Boulevard is whether this project will have a negative effect on the historic district.

Bender noted that CFR 800.5 states that "An adverse impact is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the property's location, design, setting, materials, workmanship, feeling or association." Bender stated his opinion that if you remove a building from a historic district it affects the association of that neighborhood. Kerst expressed her opinion that there is a historic association through the families and the history of the property itself. Bender added that the removal of the structure would also affect the spatial relationship of the neighborhood, building to the property, and design characteristics, even if the structure does not have architectural significance.

Rogers explained that the National Park Service developed the contributing versus non-contributing status as there is typically not a district where every single property is a significant contributing element to that district. Rogers stated that State Office of History must determine if a project is adversely affecting the significant characteristic features that made that historic district eligible for the historic register.

Discussion followed concerning the impact on a historic district from removal of non-contributing structures, the potential for the State Office of History to change their finding on the house located at 1204 West Boulevard, the potential for 1204 West Boulevard to become a contributing structure with modifications, and the State's position that the City retains the authority to issue building permits.

Senftner discussed the contributing and non-contributing aspects of the Windsor Block noting that all laws can be modified.

In response to a question from Bender. Rogers explained that if the historical integrity of a structure is determined to be intact, the National Register Nomination can be amended to make a non-contributing structure contributing. Lengthy discussion followed concerning the Commission's opinion that the structure at 1204 West Boulevard could be found to be a

contributing structure if modifications were made to the property, the State's inability to make a determination based on contingencies, the impact of removing a structure from the historic district, the various requests to restore the house at 1204 West Boulevard prior to the request to demolish the structure, the potential to initiate litigation to stop the demolition of the structure, and concerns with setting a precedent to demolish other non-contributing structures in the district.

Discussion followed concerning the possibility of finding a purchaser for the property, the Historic Preservation Commission's goals, the cumulative factors creating the existing non-contributing status of the house at 1204 West Boulevard, and the factors used to consider when classifying a structure as contributing.

In response to a question from Loeschke, C. Nelson advised that the State receives a hard copy of the agenda packet, the on-line version of the agenda packet, a summary of action and the minutes from the meetings. C. Nelson noted that the Commission could provide additional supporting information as to why a project would be an adverse impact. B. Kessloff expressed concern that the decision was made without a representative of the State visiting the house. Kerst suggested that the State should provide the opportunity for a State architect or engineer to view the property prior to making a determination on a demolition request. Discussion followed concerning the need to develop a process for the Commission to provide the State Office of History with additional information in cases where the Commission disagrees with the State and the length of time that an application can be held without a decision being made.

In response to a question from Sogge, C. Nelson indicated that the determination is based on the structure's current condition, lack of historical integrity and the determination that the removal of the house will not have an adverse effect on the district noting that he does not feel that the decision will change in this case. Halterman requested that C. Nelson and Rogers visit the property before making a final determination.

N. Nelson expressed concern that Jim Letner indicated that he had contacted the State Office of History and he was told that there would be a finding of no adverse effect prior to receiving the findings of the Historic Preservation Commission. C. Nelson indicated that Mr. Letner requested that he provide his opinion based on the information submitted with the understanding that a determination had not been made. C. Nelson stated that as the State Office of History contact person he provides his opinion when requested.

In response to a question from Bender, Elkins stated that the Zoning Board of Adjustment may grant the setback variance requests if there is not significant opposition to the request from other area residents.

N. Nelson noted that the construction of a new single family residential structure at 1204 West Boulevard was continued to this meeting to allow the Letner's to provide additional information. Ficken advised that Jim Letner had withdrawn that request noting that a new request would be submitted.

**Bender moved, N. Nelson seconded and unanimously carried to continue the remainder of the agenda items to the January 19, 2007 meeting.**

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**Bender moved, N. Nelson seconded and unanimously carried to acknowledge the withdrawal of 11.1 Review for 1204 West Boulevard (06RS014) - Request 2 – Construction of New House, at the applicant’s request.**

Adjourn

There being no further business, the meeting was adjourned at 9:44 a.m.